

EXECUTIVE COUNCIL OF IOWA

AGENDA

JANUARY 9, 2012

1. Approval of minutes of meeting held January 3, 2012
2. Outside Counsel – Page 1
3. Payment of Cost Items – Page 1
4. Renewal Memberships – Page 1

2. Outside Counsel

- A. The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in Pam O'Brien v. Iowa Attorney General, State of Iowa and the Second Injury Fund a worker's compensation case filed by a state employee.

Firm: Patterson Law Firm, L.L.P.
Attorney: Ryan Clark
505 5th Avenue, Suite 729
Des Moines, IA 50309-2390
Rate: \$80.00 per hour
TAB # 1

- B. The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in Pam O'Brien v. Iowa Attorney General, State of Iowa and the Second Injury Fund a worker's compensation case filed by a state employee.

Firm: Huber Law Firm
Attorney: William Grell
2700 Westown Parkway, Suite 170
West Des Moines, IA 50266-1411
Rate: \$80.00 per hour
TAB # 1

3. Payment of Cost Items

- A. Simmons Perrine Moyer Bergman PLC.....\$55,956.13
115 Third Street SE, Suite 1200
Cedar Rapids, IA 52402
Tobacco Settlement Authority

Julie Pottorff, Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Tobacco Settlement Authority.

4. Renewal Memberships

- A. Agriculture in Association of Grain Regulatory Officials in the amount of \$200.00 for January 1 - December 31, 2012. (Previous amount was \$200.00.)
Other agencies: No: Funding Source: State General Fund

EXECUTIVE COUNCIL

2012 JAN -5 AM 11:00

THOMAS J. MILLER
ATTORNEY GENERAL

JULIE F. POTTORFF
DEPUTY ATTORNEY GENERAL



TAB # 1

Address Reply To:
1305 E. Walnut Street
Des Moines, Iowa 50319
Telephone: 515/281-3349
Fax: 515/281-4209
Julie.Pottorff@iowa.gov

Iowa Department of Justice

January 5, 2012

GeorgAnna Madsen
Executive Secretary
Executive Council
State Capitol
L-O-C-A-L

Re: Retention of Outside Counsel

Dear GeorgAnna:

Our office requests appointment of outside counsel pursuant to Iowa Code section 13.3(1) in *Pam O'Brien v. Iowa Attorney General, State of Iowa and the Second Injury Fund*, a workers' compensation case filed by a state employee who works in our office. Ordinarily, in this circumstance we would retain outside counsel to represent the Second Injury Fund because resolution of the claim may turn on whether the State of Iowa or the Second Injury Fund must pay workers' compensation benefits and our office cannot represent both defendants. This case has the additional complication that the employee who filed the claim is employed as a secretary in our office in the same division that defends workers' compensation claims. The work environment would make it difficult for an attorney defending the claim to maintain confidentiality when the employee to whom we are adverse is working nearby. Under these unusual circumstances our office requests outside counsel both to represent the Second Injury Fund and to represent the State of Iowa.

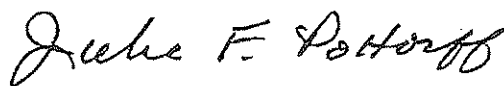
The Special Litigation Division has contacted Ryan Clark of the Patterson Law Firm, L.L.P., 505 5th Avenue, Suite 729, Des Moines, Iowa, 50309-2390, to represent the Second Injury Fund. Mr. Clark has agreed to represent the Second Injury Fund at the rate of \$80.00 per hour.

The Special Litigation Division has also contacted William Grell, Huber Law Firm, 2700 Westown Parkway, Suite 170, West Des Moines, Iowa, 50266-1411, to represent the State of Iowa. Mr. Grell has agreed to represent the State of Iowa at the same rate of \$80.00 per hour.

GeorgAnna Madsen
Executive Secretary
Page 2

Accordingly, we request Executive Council approval to retain Mr. Clark to represent the Second Injury Fund and Mr. Grell to represent the State of Iowa in this case.

Sincerely,

A handwritten signature in cursive script, reading "Julie F. Pottorff".

JULIE F. POTTORFF
Deputy Attorney General

cc: Deborah Stein